UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,581	08/17/2001	Mamoru Takikita	Q65636	7222

7590 01/09/2007 ·SUGHRUE, MION, ZINN, MACPEAK & SEAS 2100 Pennsylvania Avenue, N.W. Washington, DC 20037	EXAMINER HASHEM, LISA

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTOL-90A (Rev. 10/06)

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires _3_ months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _1 and 4_.

   Claim(s) withdrawn from consideration: _3_.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

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Continuation of 11. does NOT place the application in condition for allowance because:

Regarding Applicant's remarks that neither Ando nor Hassett disclose '..said control microcomputer stores in said nonvolatile memory randomly generated communication registration identification data when communication is opened or when the apparatus starts up...'. Examiner disagrees.

Ando clearly discloses a mobile device (Fig. 2, 1) comprising:
a transceiver that communicates with an immobile device (Fig. 2, 2) via an antenna (Fig. 2, 6),
a CPU (Fig. 2, 7) that executes communication processing and data processing based on programs stored in the memory (ROM/RAM) (Fig. 2, 8). Wherein said CPU stores link-identification code (e.g. LID#1, LID#2, LID#3) that is generated from random numbers in said ROM/RAM when the mobile device enters a communication service area where the mobile device communicates with the immobile device (e.g. roadside station), and communication is performed using LID stored in said ROM/RAM in a case where said mobile device is in a communication range when said mobile device starts up (col. 1, lines 19-49; col. 3, line 35 - col. 4, line 4; col. 4, lines 56-63; col. 5, line 20 - col. 6, line 22). The LID that is generated is used in further checks by the CPU to check whether its own LID is the same as those of other LIDs currently being used by the immobile device. The LID must be stored in the ROM/RAM since these multiple checks require knowing the value of the LID that was generated by the CPU (col. 5, line 20 - col. 6, line 22) and this data processing is stored in the ROM (col. 3, lines 56-57; col. 4, lines 56-63).

Ando does not disclose a field intensity measuring portion that is why this is a 103(a) rejection in view of Hassett. Hassett discloses an in-vehicle component (IVC) or transponder (Fig. 2, 16; Fig. 14A) comprising: a radio-communication portion for sending and receiving with a stationary transceiver unit (Fig. 2, 218) via an antenna (Fig. 14A, 73), a signal strength detection unit (Fig. 14A, 76) for detecting a radio field intensity, a processor (Fig. 14A, 70) for controlling various equipment, and a memory (Fig. 14A, 88), wherein said transponder receives a new T1 signal (e.g. communication registration identification data) when communication is accomplished and a signal is received at a receiver, and communication is performed using the T1 signal in a case where said radio field intensity is in a communication range when said transponder starts up (e.g. when a vehicle comprising the transponder exits an upcoming ramp and the transponder receives a T1 signal data) (col. 8, lines 24-53; col. 12, lines 34-46; col. 14, lines 19-56; col. 14, line 65 - col. 15, line 22). Thus, Hassett teaches using communication registration identification data when said radio field intensity is in a communication range when said transponder starts up. Thus, Ando when modified by Hassett clearly discloses the claimed invention.

Regarding claim 4, Ando clearly discloses said CPU stores in said ROM/RAM randomly generated LID only when said mobile device starts up (e.g. the mobile device is in the communication service area of the immobile device and receives a FCMC signal) (col. 5, lines 20-55).